



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Gerhardus HAAK et al.

Group Art Unit: 1743

Application No.: 09/914,794

Examiner: S. Siefke

Filed: September 5, 2001

Docket No.: 110510

For: SOLID PHASE EXTRACTION INSTRUMENT AND METHOD FOR SOLID PHASE EXTRACTION

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JUL 28 2004

Sir:

TC 1700

In reply to the March 23, 2004 Restriction Requirement, the period for reply being extended by the attached Petition for Extension of Time, Applicants provisionally elect Group I, claims 1-7, with traverse.

In particular, Applicants traverse the Office Action's restriction of claims 1-10 into Groups I and II and claims 11-30 into Groups III and IV. The Office Action recognizes that claims 1-7 are drawn to a solid phase extraction process and claims 8-10 are drawn to a solid phase extraction apparatus. As provided in 37 C.F.R. §1.475(b)(1-5), a product and a process that are related to each other will be considered to have unity of invention.

Furthermore, the International Preliminary Examining Report has previously established a lack of unity between claims 1-10 on one hand and the remainder of the claims on the other hand. Applicants submit that this provides persuasive authority to withdraw the Restriction Requirement as presently asserted in the Office Action.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Michael Britton
Registration No. 47,260

JAO:MQB/ale

Attachment:
Petition for Extension of Time

Date: July 23, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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